

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 1.516 ACRES OUT OF THE W. H. COLE, ABSTRACT NO. 200, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “NBD” (NEIGHBORHOOD BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A SINGLE-TENANT GENERAL RETAIL STORE NO GREATER THAN 10,650 SQUARE FEET; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Franklin Land Associates, LLC, on behalf of D&SC Enterprises, Inc, has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “B-3” (Local Business District) by the Planning and Zoning Commission of the City of Killeen on the 7th day of March 2022, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 12th day of April 2022, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be zoned as “NBD” (Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “NBD”

(Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet, for the property generally located west of the Featherline Road & north of Chaparral Road, Killeen, Texas.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

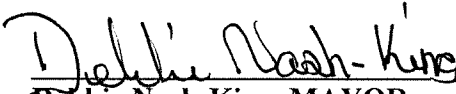
SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

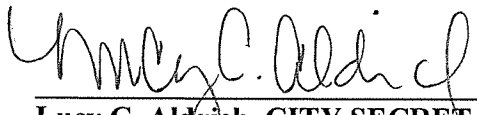
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 12th day of April 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:

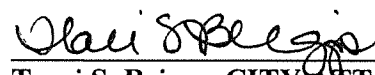



Debbie Nash-King, MAYOR

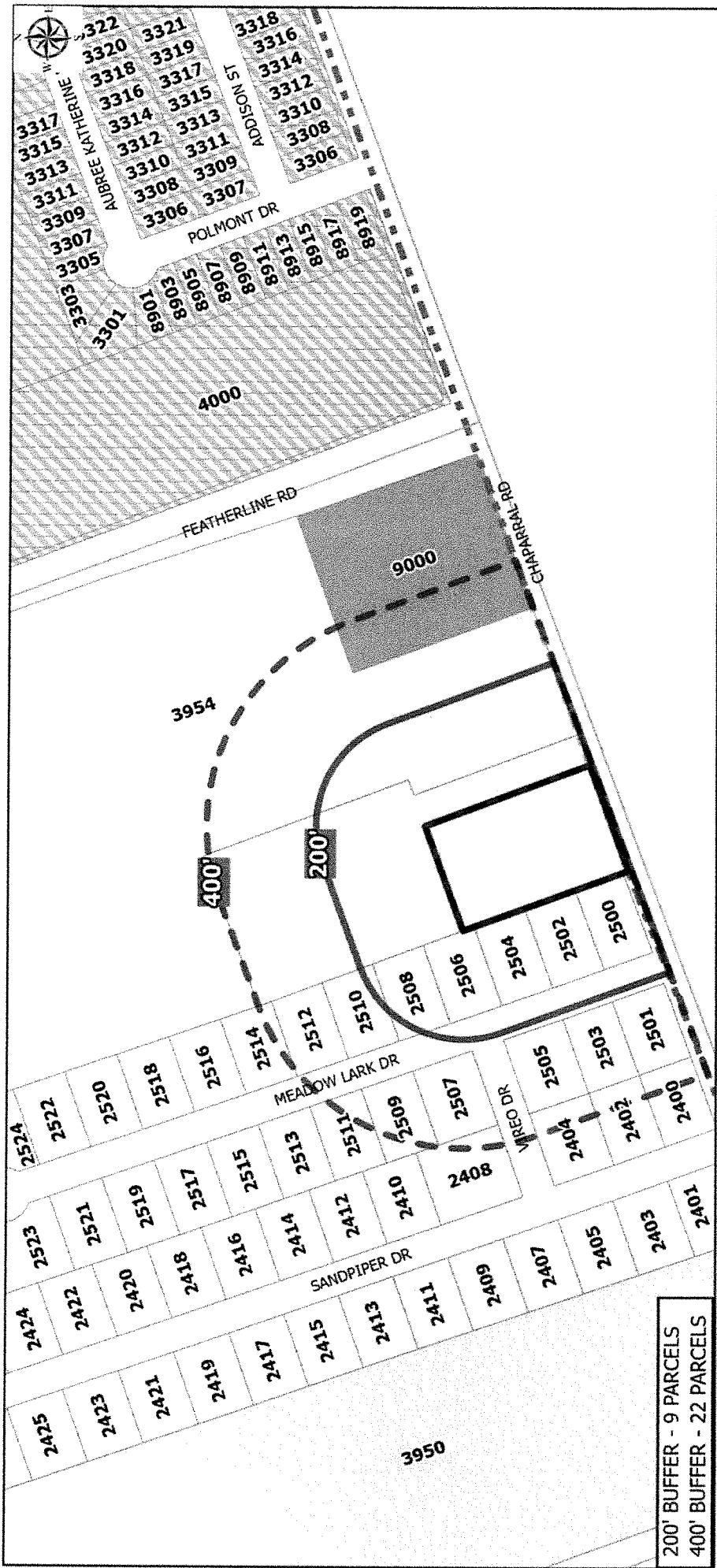
ATTEST:


Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM:

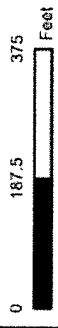

Traci S. Briggs, CITY ATTORNEY

Case #22-13
Ord. #22-022



200' BUFFER - 9 PARCELS
 400' BUFFER - 22 PARCELS

Attachment #1
 Council District: 3



Subject Property Legal Description: A0200BC W H COLE, 1, ACRES 1.516

Zoning Case 2022-13

R-1 to B-3

Legend

Current Zoning

- R-1
- R-3
- B-3
- PUD

SITE PHOTOS

Case #Z22-13: "R-1" to "B-3"



View of the subject property looking north:



View of the surrounding property to the east:



SITE PHOTOS

Case #Z22-13: "R-1" to "B-3"



View of the surrounding property to the west:



View of the surrounding property to the south (across Chaparral Rd):



MINUTES
PLANNING AND ZONING COMMISSION MEETING
March 07, 2022

CASE # Z22-13
“R-1” to “B-3”

HOLD a public hearing and consider a request submitted by Franklin Land Associates, LLC on behalf of D&SC Enterprises, Inc. (Case #Z22-13) to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200 from “R-1” (Single-Family Residential District) to “B-3” (Local Business District). The property is located west of Featherline Road and north of Chaparral Road, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of “NBD” (Neighborhood Business District), which is a more restrictive district than requested.

Commissioner Minor stepped down from dais due to a conflict of interest.

The agent, Mr. Bob Gage of GBT Realty, was present to represent the case. He stated that the proposed retail store is 10,640 square feet, and that the recommended “NBD” (Neighborhood Business District) would not meet the needs of the applicant. He requested that the Commission approve the request for “B-3” (Local Business District) as presented.

Chairman Latham opened the public hearing.

With no one else wishing to speak, the public hearing was closed.

Commissioner Alvarez made a motion to approve the request for “B-3” (Local Business District) as presented. Commissioner Adams seconded, and the motion passed by a vote of 7 to 0.

Commissioner Minor returned to the dais.

CONSIDERATIONS

Texas Supreme Court in *Pharr v. Tippitt*, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

YOUR NAME: Michelle Bates	PHONE NUMBER: 254-285-9579
CURRENT ADDRESS: 2408 Sandpaper Dr Killen TX 710542	
ADDRESS OF PROPERTY OWNED: 2408 Sandpaper Dr Killen TX 710542	
COMMENTS:	
I Support the request case# 722.13	
SIGNATURE: Michelle Bates	REQUEST: "R-1" to "B-3" SPO #Z22-13/15

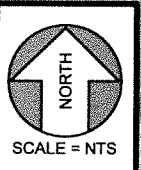
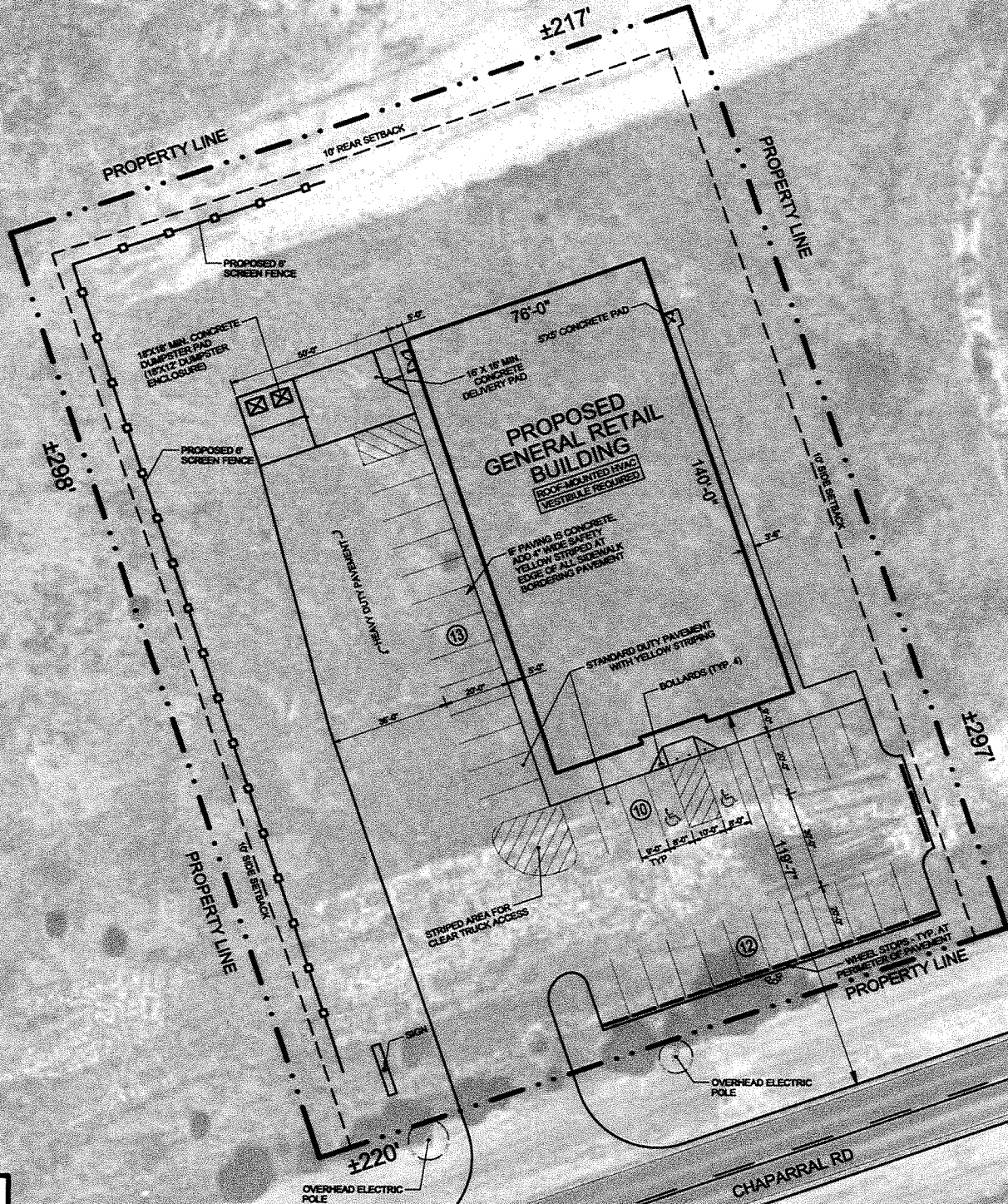
P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628
 WWW.KILLEENTEXAS.GOV

PRELIMINARY SITE PLAN

KILLEEN, TX (CF)
Chaparral Rd

PROTOTYPE:	A PLUS	DEVELOPER	DESIGNER	DATE
BLDG/SALES SF:	10,640 / 8,450	Company: GBT Realty Corp.	Company: GBT Realty Corp.	01-04-22
ACREAGE:	1.50	Name: Austin Rogers	Name: Colton Jumper	
PARKING SPACES:	35	Phone #: (615) 370-0670	Phone #: (615) 370-0670	

Note: WB-67 Truck Used



CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: April 5, 2022
TO: Kent Cagle, City Manager
FROM: Edwin Revell, Executive Director of Development Services
SUBJECT: ZONING CASE #Z22-13: "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: D&SC Enterprises, Inc.
Agent: Franklin Land Associates, LLC.
Current Zoning: "R-1" (Single-Family Residential District)
Proposed Zoning: "B-3" (Local Business District)
Future Land Use Map Designation: 'Suburban Commercial' (SC)

Summary of Request:

Franklin Land Associates, LLC, on behalf of D&SC Enterprises, Inc., submitted a request to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). If approved, the owner intends to develop the property as a general retail store.

Zoning/Plat Case History:

The subject property was annexed into the City limits on May 1, 2004 via Ordinance No. 04-12. It was assigned an initial zoning of "A" (Agricultural District) with the adoption of the annexation ordinance. The subject property was rezoned from "A" (Agricultural District) to "R-1" (Single-Family Residential District) on September 26, 2006 via Ordinance No. 06-109. The property is currently unplatted.

Character of the Area:

	Current Land Use	Zoning District	Future Land Use
North	Vacant	R-1 (Single-Family Residential District)	Suburban Commercial (SC)

East	Vacant	R-1 (Single-Family Residential District)	Suburban Commercial (SC)
South	Single-family residential property (ETJ)	ETJ	General Residential (GR) & Suburban Commercial (SC)
West	Single-family residential properties	R-1 (Single-Family Residential District)	Suburban Residential (SR)

Future Land Use Map Analysis:

This property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

'Suburban Commercial' (SC) designations should be utilized at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. 'Suburban Commercial' (SC) character may exclude some auto-oriented uses that, by their very nature, cannot achieve a Suburban character. Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibility (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards).

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
- Public/institutional; or
- Parks and public spaces.

The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from Chaparral Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified twenty-two (22) surrounding property owners regarding this request. Of those property owners notified, thirteen (13) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and two (2) reside outside of Killeen.

As of the date of this staff report, staff has received one (1) written response in support of this request.

Staff Findings:

If approved, "B-3" (Local Business District) allows commercial uses including boat sales; oil and lube stations; hotels and motels; auto part sales (new, at retail); mini/self-storage facilities; and storage warehouses (with leasable space of less than twenty-five thousand (25,000) square feet).

The subject property abuts residentially zoned property on the north, east, and west sides. Staff finds that a small general retail store would be appropriate in this location. However, staff is of the determination that the "B-3" (Local Business) district allows several uses that would not be appropriate in this location.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- 1) Disapprove the applicant's zoning request;
- 2) Approve a more restrictive zoning district than requested by the applicant;
- 3) Approve the applicant's zoning request as presented.

Which alternative is recommended? Why?

Per Killeen Code of Ordinances Sec. 31-316.1, the "NBD" (Neighborhood Business) district was established "to provide for limited commercial uses serving the common and frequent needs of the residents in the immediate vicinity." The "NBD" (Neighborhood Business) district allows all uses permitted in "B-3" (Local Business District) with the following exceptions:

- (1) Home for the aged;

- (2) Hospital, nursing home, or assisted living facility;
- (3) Mortuary or funeral chapel;
- (4) Appliance (household) sales and service;
- (5) Boat and accessory sales, rental and service;
- (6) Marine supplies, sales and service;
- (7) Restaurant or café with drive-in or drive-through service;
- (8) Tennis or swim club;
- (9) Hotel or motel;
- (10) Gasoline service station in excess of four (4) pumps, auto laundry or car wash;
- (11) Auto parts sales, new at retail
- (12) Theaters or general release;
- (13) Mini/self-storage facilities;
- (14) Outdoor fruits and vegetable sales (farmer's markets);
- (15) Bowling alley; and
- (16) Oil/lube service station.

However, Killeen Code of Ordinances Sec. 31-316.2 states: "A building or premises in the "NBD" (Neighborhood Business) district shall not exceed gross building size of 10,000 square feet and no single leased/owned business area shall exceed 4,000 square feet. In this case, the applicant intends to build a single-tenant retail store of approximately 10,640 square feet.

Therefore, staff recommends approval of "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet. This would limit the potential use of the property for those uses listed above, while still allowing the applicant to move forward as planned.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of City funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

At their regular meeting on March 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to "B-3" by a vote of 7 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinances
Considerations
Response
Site Plan